



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,902	01/15/2002	Miguel Maranon Marquina	83649	6546

7590 09/03/2003
Gerald T Shekleton
Welsh & Katz
120 S Riverside Plaza
22nd Floor
Chicago, IL 60606

EXAMINER

RODRIGUEZ, RUTH C

ART UNIT PAPER NUMBER

3677

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,902

Applicant(s)

MARQUINA, MIGUEL MARANON

Examiner

Ruth C. Rodriguez

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 8 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of traverse in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. The requirement is still deemed proper and is therefore made FINAL.
3. Claims 2 and 5-6 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 7.

Priority

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d) and (f), which papers have been placed of record in the file.

Specification

5. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:
(1) if a machine or apparatus, its organization and operation;

Art Unit: 3677

- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

6. The abstract of the disclosure is objected to because it exceeds 150 words. Correction is required. See MPEP § 608.01(b).

7. The disclosure is objected to because of the following informalities:

- Page 8, line 23, “y” should be changed to --and--.
- Page 8, line 27, “y” should be changed to --and--.
- Page 9, line 3, “y” should be changed to --and--.
- Page 11, line 31, “(11)” should be inserted in between of “protuberance” and “has” and deleted in between of “planned” and “serving”.
- Page 11, line 32, “(12)” should be inserted in between of “protrusion” and “has”.
- Page 11, line 33, “(12)” should be deleted in between of “planned” and “like”.
- Page 14, line 18 “that” should be deleted.
- Page 15, between lines 2 and 3, “makes it limits” should be changed to --abuts--.
- Abstract, line 12, “axile” should be changed to --axle--.

Correction is required.

Claim Objections

8. Claims 1, 3, 4 and 8 are objected to because of the following informalities:

- Claim 1 is objected because of the use of “it” in the third line of the claim since the term referenced by “it” is unclear.

Art Unit: 3677

- Claim 1 recites the limitation "the structure or fixed item" in the sixth line and "the tilting" and "the opposite sense" in the twelfth line. There is insufficient antecedent basis for this limitation in the claim.

- Claim 3 recites the limitations "the perimeter" in the second line and "the opposing faces" in between the second and third lines. There is insufficient antecedent basis for this limitation in the claim.

- Claim 4 recites the limitations "the perimeter" and "the opposing faces" in the second line. There is insufficient antecedent basis for this limitation in the claim.

- Claim 8, line 1, "claim 1" should be inserted between "to" and the comma (second occurrence).

- Claim 8 recites the limitation "the hinged part" in the third line. There is insufficient antecedent basis for this limitation in the claim.

Correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 3677

10. Claims 1, 3 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamashita et al. (US 6,565,156 B1).

A mechanism (1) for adjustment of hinged elements (11,21) that planned to be applicable in angular adjustment of a movable or hinged item with respect to a fixed structure or item distinctive because the mechanism is essentially formed by two discoidal parts (10,20) mounted on a common axle (4). Each of the parts is equipped with opposite cogs (13,23) that tend to engage permanently with each other (Figs. 3a-8b, 9c, 10c and 12a-12c). One of the discoidal parts (10) acts as a crown and is fixed to the structure or fixed item (Figs. 1-12c). The other of the discoidal parts (20) acts as a ratchet and is positionable on the axle with the ability to move axially between limits set by a limit plate (3) positioned on the axle and an external disk (5) that in turn forms a support for a spring (5) than tends to continuously push the discoidal part acting as the ratchet against the discoidal part acting as a crown. A controlling part of a separator (3) is between the ratchet and the crown to allow disengagement of the cogs of the ratchet and the crown and permit tilting of the hinged item in an opposite sense to folding (C. 2 L. 56-67 and C. 3, L. 1-64).

Yamashita also discloses that the cogs of the ratchet and crown are located on a sector of a perimeter of opposing faces of both parts (Figs. 1-12c).

The discoidal part acting as a ratchet can be mounted on the fixed structure and the discoidal part acting as crown can be mounted to the hinged item (C. 1, L. 5-7 & C. 2, L. 46-55).

Allowable Subject Matter

Art Unit: 3677

11. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Yamashita discloses a mechanism in accordance with claims 1, 3 and 8 as indicated above in paragraph 7 in the rejection of these claims. Yamashita fails to disclose a separator having a ring and projections that lodge in windows set up in the crown and that the separator is activated by an external control having a wedge shape. Although the prior art of record discloses the use of separators having a ring provided with projection that lodge in windows set up in the crown, the prior art of record fails to disclose the use of an external control having a wedge shape to move the projections of the separator towards the ratchet in order to separate the cogs. Accordingly, it would not have been obvious to one having ordinary skill in the art at the time of applicant's invention to have an external control shaped like a wedge to activate the separator by engaging a wedge formed in the ring of the separator to move the projections towards the ratchet and separate the ratchet from the crown.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Warshwsky (US 4,582,445), Wang (US 4,614,452), Huang (US 5,039,118), Tai (US 5,069,474), Franklin (US 5,123,768), Chiu (US 5,154,435), Liu (US 5,520,474), Lan (US 5,765,958), Doyle (US 6,095,713), Cole (US 6,161,982), Stevens (US 6,196,568 B1) and Hou et

Art Unit: 3677

al. (US 6,503,018 B1) are cited to show state of the art with respect to mechanisms for regulating two angular members having some of the features of the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (703) 308-1881.

The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115.

Submissions of your responses by facsimile transmission are encouraged. Technology center 3600's facsimile number for before final communications is (703) 872-9326. Technology center 3600's facsimile number for after final communications is (703) 872-9327. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee that the applicant is paying by check **should not be** submitted by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to
the Patent and Trademark Office (Fax No. (703) 872-9326) on (Date) .

(Typed or printed name of person signing this certificate)

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

RCR
rcr

August 25, 2003

Robert J. Sandy
ROBERT J. SANDY
PRIMARY EXAMINER